FOR MYSORE STATE

1-53.

Home (1953) Department.

Passed

MS SERIES.

G.O. NO. 739

Dated 4-3-1953

[Despatch Abstract.]

Public Services - Executive Staff
South Kanara Dt - Coondapur Station -
Cr. No 557/50 Re Agricultural and Industrial
Fraud Case - Deputation of A.P.P. Cr. R
to interview the P.P. at Madras. - Permitted.

(Cr. No. 2 : 25/53)

Ref.C3. 530/53 (1)

S.K.Dt.Magistrate's Office,
Mangalore dated 13.2.53

From

Sri C.A.Ramakrishnan,I.C.S.,
Dt.Magistrate, South Kanara.

To

The Secretary to the Government,
Home Department,
Fort St.George, Madras 9.

31299

Sir,

CRIMINAL JUSTICE: South Kanara District Coondapur station Cr.No.55/50 under Sec. 120 B and 409 I.P.C. The Agricultural and Industrial Bank fraud case - permission to A.P.P.I. Mangalc to interview the P.P. at Madras.

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I enclose a copy of letter C.No.5215/C1/52 dated 15.1.53 of the Superintendent of Police Crime Branch C.I.D.Madras wherein he has requested me to depute the A.P.I.Mangalore, to meet and consult the Public Prosecutor Madras in preparing the chargesheet in the above case. I am not aware of any orders empowring me to depute the A.P.P's to Madras in such cases. However I find that it would be more helpful if the A.P.P.I. consults the P.P.Madras before completing the chargesheet in this case. I therefore recommend that the A.P.P.I.Mangalore may be permitted to proceed to Madras and to meet and consult the P.P.Madras in the matter.

Yours faithfully,

For Dt.Magistrate.

Copy to the Superintendent of Police,
Crime Branch C.I.D. Madras.

13.2.

Copy of C.No.5215/C1/52 dated 15th January 1953 from the Superintendent of Police Crime Branch C.I.D.Madras to the District Magistrate South Kanara District Mangalore.

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Coondapur Station Cr.No.55/50 Secs.120-B and 409 I.P.C. The Agricultural and Industrial Bank Fraud Case.

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Ref:-This office C1.5215/52 dated 18.6.52 and Your M.L. Dis.4534/52 dated 30.6.1952.

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The audit in this case has practically come to a close and the audit report is expected by the end of January 1953. The charge-sheet is being prepared in consultation with Sri P.Ramachandra Rao, B.A.,B.L., Assistant Public Prosecutor Grade I, Mangalore, who has been proposed to be appointed as a special Public Prosecutor. The investigating staff was in touch with the said Assistant Public Prosecutor at every stage of the investigation and he is conversant with the facts of the case. The Assistant Public Prosecutor, Madras in preparing the charge-sheet. Surely, the Assistant Public Prosecutor will be more competent to discuss and clarify questions of law with the Public Prosecutor, Madras than the investigating Officer. In the interest of the case, it is expedient that both the Assistant Public Prosecutor and the investigating Officer together meet the Public Prosecutor, Madras for the purpose. May I, therefore, request you to instruct the Assistant Public Prosecutor, Grade I Mangalore to meet and consult the Public Prosecutor, Madras in the matter at a convenient date. The investigating officer will be instructed to accompay the Assistant Public Prosecutor.

A

*feels that in view of the several legal technicalities the case presents, it is necessary to consult the Public Prosecutor

/true copy/

Home Department

G.O. Ms. No. 739 dated 4/3/53

Public Services - Prosecuting staff - South Kanara Dt. - Coondapur station Cr.No.55/50 - The Agricultural and Industrial Bank Fraud Case - Deputation of A.P.P. Gr.I to interview the P.P., at Madras - Permitted.

Read: From the D.M., South Kanara Ref.G.3. 530 of 53 (1) dated 13-2-53.

Order

The D.M., South Kanara is permitted to depute Sri P. Ramachandra Rao, A.P.P. Gr.I., Mangalore to Madras to consult the P.P., Madras in preparing the charge sheet in the Agricultural and Industrial Bank Fraud Case referred to in his letter cited.

Sri P. Ramachandra Rao will be paid daily allowance and travelling allowance at the rates admissible to him under the M.T.A. Rules for his journey to Madras & back.

To the Collr. of S.Kanara
,, I.G. of Police, Madras
,, Regr., High Ct., Madras
,, A.G., Madras thro. Fin. dept.
Copy for s.f.

Home Department

Public Services - Prosecuting staff - South Kanara dt. - Permission to A.P.P. Gr.I - Mangalore to interview the P.P., Madras - Request of.

From the Collr. of South Kanara 530/53(1) dated 13-2-1953.

The Superintendent of Police, Crime Branch, C.I.D., Madras has reported that the charge sheet in respect of the Agricultural and Industrial Bank Fraud Case is being prepared in consultation with Sri P. Ramachandra Rao, A.P.P. Gr.I, Mangalore, who has been proposed to be appointed as Spl. Public Prosecutor, that the investigating staff was in touch with the A.P.P. at every stage of investigation and that he is conversant with the facts of the cases. He has added that the A.P.P. feels that in view of the several legal technicalities the case presents, it is necessary to consult the P.P., Madras in preparing the charge sheet and that the A.P.P. will be more competent to discuss and clarify the questions of law with the Public Prosecutor, Madras. The Supdt. of Police, Crime Branch, C.I.D., Madras has stated that in the interest of the case, it is expedient that both the A.P.P. and the investigating officer together meet the P.P., Madras, for the purpose and he therefore requested the Collr. to instruct the A.P.P. Gr.I, Mangalore to meet and consult the P.P., Madras in the matter at a convenient date. The Collr. of South Kanara feels that it would be more helpful if the A.P.P. Gr.I consults the P.P., Madras before completing the charge sheet in this case. He therefore recommends that A.P.P. Gr.I Mangalore may be permitted to proceed to Madras and to meet and consult the P.P., Madras in the matter.

In view of the circumstances stated by the Supdt., Crime Branch, C.I.D., Madras, it is for orders whether the deputation of Sri P. Ramachandra Rao to

meet and consult the Public Prosecutor, Madras, in framing charge-sheet in respect of the Agricultural and Industrial Bank Fraud Case may be sanctioned.

It may be mentioned in this connection that the Govt. authorised D.Ms. to depute an A.P.P. with detailed personal knowledge of the case to instruct the P.P., Madras in every criminal miscellaneous or revision petition filed before the High Court which is of importance and in which the record is voluminous vide G.O. 294, Home, d. 26-1-49.

The additional expenditure involved in the proposal will be only T.A. and D.A. admissible under the M.T.A. Rules to the A.P.P. Gr.I for his journey to Madras. Subject to orders, a draft order is submitted for approval. Finance may see for acceptance.

A.S. Iyer

23.2.53.

23/2/53.

27/2/53

Hom.Sec. 3/299 Ush III/53-1

Fin(ESR) — 27/2/53

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT
2 FEB 1953
16214 B/A
FINANCE DEPARTMENT

Please see the notes of Home dept on pp 1-2 above. The draft order below may be accepted.

28/2/53 for DEPTY.

1/3/53

Home Dept

Fin no 16214 est-I — 2.3.53

The draft order below may now issue.

4.3.53

4/3/53

Issued as GO Ms 739 Home dt 4.3.53

ASSISTANT SECRETARY TO GOVERNMENT
4569/1953

4/3